

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/25/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

ARACELIS SOSA-URENA,

Defendant.
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21 CR 575 (VM)
ORDER

VICTOR MARRERO, U.S.D.J. :

On October 20, 2021, Aracelis Sosa-Urena ("Sosa-Urena") appealed the denial of her motion for release from custody while her motion to dismiss the indictment is pending before the Court. (See Dkt. No. 23). After reviewing Sosa-Urena's appeal, the briefing to her original motion, as well as the relevant factual material in the record, the Court hereby DENIES the appeal.

On September 9, 2021, Sosa-Urena was ordered detained by Magistrate Judge Moses after finding that Sosa-Urena's flight risk was "quite acute under the circumstances." (See Dkt. No. 20, at 28.) In particular, Magistrate Judge Moses noted that Sosa-Urena had been removed from the United States three times, including once after using a fake passport, which evidenced a willful lack of compliance with lawful orders. (See id. at 28-29.) Therefore, detention was necessary to reasonably assure Sosa-Urena's appearance at future proceedings.


After retaining counsel, Sosa-Urena filed two motions: for dismissal of the indictment, (Dkt. No. 13), and for release from custody, (Dkt. No. 14). In her motion for release, Sosa-Urena argued that "the determination of [the motion to dismiss] may take a while necessitating a call for a Motion for Release of the Defendant." (Id. at 2.) The Government opposed, arguing Sosa-Urena remained a flight risk

and therefore detention was necessary. (See Dkt. No. 20.) This Court referred the motion for release from custody to Magistrate Judge Netburn, (Dkt. No. 16), who denied the motion upon finding that Sosa-Urena represented a flight risk. (See Dkt. No. 24). This appeal followed.

The Court concludes that Sosa-Urena has not presented a compelling case to upset Magistrate Judge Moses's and Netburn's conclusions that she is a flight risk. In her appeal, Sosa-Urena argues that it may take time to resolve her motion to dismiss the indictment, and she should be released while that motion is pending. (See Dkt. No. 23, at 2.) But, the fact that Sosa-Urena has a motion to dismiss pending is irrelevant to the determination that detention is warranted in this matter. Sosa-Urena presents the Court with no new argument or additional facts that would give the Court "reasonable assurance" that Sosa-Urena will appear at future proceedings in this matter. The Court therefore agrees that given the factual circumstances and Sosa-Urena's prior conduct, Sosa-Urena is a flight risk. Therefore, the Court will affirm Magistrate Judge Netburn's order (Dkt. No. 24) and hereby denies the appeal.

SO ORDERED:

Dated: New York, New York
25 October 2021



Victor Marrero
U.S.D.J.